



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

CC Docket No. 02-6
WC Docket No. 06-122

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants, dismisses, or denies the following Requests.¹ The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from release of this Public Notice.²

Schools and Libraries (E-rate) CC Docket No. 02-6

Dismissed as Moot³

Godfrey Memorial Library, CT, Application No. 161005679, Request for Review, CC Docket No. 02-6 (filed Nov. 7, 2017)

¹ See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014). Section 54.719(b) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Section 54.719(c) of the Commission's rules provides that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR § 54.719(b)-(c). In this Public Notice, we have reclassified as Requests for Waiver those appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules. Similarly, we have reclassified as Requests for Review those appeals seeking a waiver of the Commission's rules but are actually seeking review of a USAC decision.

² See 47 CFR §§ 1.106(f), 1.115(d); see also 47 CFR § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).

³ See, e.g., *Requests for Review of Decision of the Universal Service Administrator by Diversified Computer Solutions, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5250, 5251, para. 3 (WCB 2012) (dismissing appeals as moot where invoicing records demonstrate that the entity was fully compensated for the funding it requested and all submitted invoices funded).

Greater Albany Public School District, OR, Application No. 846615, Petition for Reconsideration, CC Docket No. 02-6 (filed Mar. 28, 2016)

Dismissed on Reconsideration⁴

St. Lucie County School District, FL, Application No. 593337, Petition for Reconsideration, CC Docket No. 02-6 (filed May 14, 2012)⁵

Washington Unified School District, CA, Application No. 973606, Petition for Reconsideration, CC Docket No. 02-6 (filed May 28, 2015)

Granted⁶

*Late-Filed FCC Form 486*⁷

⁴ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Allan Shivers Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 29 FCC Rcd 10356, 10357, para. 2 (WCB 2014) (dismissing petitions for reconsideration that fail to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding).

⁵ The Bureau denied St. Lucie County School District's appeal in an order released in May 2012. *Requests for Waiver of Decisions of the Universal Service Administrator by Central Technology Center; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5086, 5087, para. 2 (WCB 2012) (*Central Technology Center Order*) (denying the requests for waiver where E-rate applicants violated the competitive bidding rules and failed to provide evidence of special circumstances warranting a waiver). St. Lucie County School District claims that it cannot file a sufficient petition for reconsideration of that decision unless the Bureau provides a more detailed explanation of the denial. We find that the *Central Technology Center Order* sufficiently resolves the appeal filed by St. Lucie County School District and reject its argument. The Commission's rules do not require any specific format for disposing of appeals. The Commission's rules require only that: (1) any person aggrieved by an action taken by USAC may request review from the Commission; and (2) such requests for review shall be considered and acted upon by the Bureau. See 47 CFR §§ 54.719(c), 54.722; see also *Petitions for Reconsideration by Lake Pend Oreille School District and Trillion Partners, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, 28 FCC Rcd 1103, 1106, para. 3 (WCB 2013) (rejecting petitioner's argument that the underlying short form order failed to provide a reasoned analysis and holding that the Bureau's denial was fully supported by cited precedent which clearly prohibited the actions taken by petitioner). St. Lucie County School District signed a new contract with its service provider without conducting a new competitive bidding process. Consistent with the *Aberdeen School District Order* precedent cited in footnote 1 of the *Central Technology Center Order*, we denied St. Lucie County Schools' appeal. See *Application for Review of the Decision of the Universal Service Administrator by Aberdeen School District, et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8757, 8763, para. 10 (2007) (*Aberdeen School District Order*) (denying an appeal for an applicant that requested E-rate program funds without posting an FCC Form 470 for the services). Accordingly, the requirement to consider and act upon a request for review was met.

⁶ We remand these applications to USAC and direct USAC to complete its review of the applications, and issue a funding commitment or a denial based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. See 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

⁷ See, e.g., *Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 10182, 10185, para. 6 (WCB 2006) (*Alaska Gateway Order*) (granting appeals where applicants
(continued...)

Boys and Girls Club of Puerto Rico, PR, Application No. 1020321, CC Docket No. 02-6, Request for Review (filed June 22, 2017)

*Ministerial and/or Clerical Errors*⁸

Haskell Independent School District 2, OK, Application No. 171017943, Request for Waiver, CC Docket No. 02-6 (filed Feb. 12, 2018)

Romoland School District, CA, Application No. 1008699, Request for Waiver, CC Docket No. 02-6 (filed June 30, 2016)

Southeastern Public Library System of Oklahoma, OK, Application No. 161032195, Request for Waiver, CC Docket No. 02-6 (filed Jan. 16, 2018)

Denied

*Timely Recovery of Funds*⁹

Jim Hogg County Independent School District, TX, Application No. 380524, Request for Review, CC Docket No. 02-6 (filed Jan. 7, 2010)

*Invoice Deadline Extension Requests*¹⁰

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filed their FCC Forms 486 late as the result of immaterial clerical, ministerial or procedural errors, or filed late due to circumstances beyond their control); *Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans, Louisiana et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 11747, 11751, para. 11 (WCB 2016) (establishing a more rigid standard for late-filed FCC Forms 486 but continuing to apply the current *Alaska Gateway Order*-based standard to appeals filed with USAC or the Commission before January 30, 2017).

⁸ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Archer Public Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15518, 15520-22, para. 6, nn.19, 21 (WCB 2008) (permitting correction when applicant entered an amount for a single school rather than the whole district and when USAC incorrectly interpreted the information that was provided to USAC in its FCC Form 471 documentation); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17319-20, paras. 1-2 & n.19 (WCB 2010) (permitting applicants to correct a mischaracterization of the term of service and waiving the appeal filing deadline for appellants that filed within 60 days of having actual notice of the clerical error).

⁹ See, e.g., *Request for Waiver or Review of a Decision of the Universal Service Administrator by Premio Computer, Inc.*, CC Docket No. 02-6, Order, 29 FCC Rcd 8185, 8186-87, para. 6 (WCB 2014) (stating that the Commission's policy directive for USAC to finish its investigation and seek recovery within five years is calculated from the last day of the funding year in which the services could be provided and, even so, this was a policy preference, not an absolute bar to recovery); see also, e.g., *Application for Review of a Decision of the Wireline Competition Bureau by Net 56, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Memorandum Opinion and Order, 32 FCC Rcd 963, 966-67, paras. 9-11 (2017) (clarifying that the Commission's recommendation that investigations be completed within five years of the final delivery of service for a specific funding year is a policy preference and not an absolute bar to recovery).

¹⁰ See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3836, para. 8 (WCB 2016) (denying requests for waiver of the Commission's invoice extension rule for petitioners that failed to demonstrate extraordinary circumstances justifying a waiver); see also *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd (continued...)

East Kentucky Network, LLC (Letcher County School District), KY, Application No. 161030801, Request for Waiver, CC Docket No. 02-6 (filed Jan. 29, 2018)

Garrett County Public Schools, MD, Application Nos. 161046907, 161046936, 161046964, 161050287, Request for Waiver, CC Docket No. 02-6 (filed Jan. 23, 2018)

Holy Ghost Catholic School, NM, Application No. 161054662, Request for Waiver, CC Docket No. 02-6 (filed Jan. 19, 2018)

Match Charter Public School, MA, Application Nos. 161010827, 161014505, Request for Waiver, CC Docket No. 02-6 (filed Feb. 1, 2018)

Roswell P Flower Memorial Library, NY, Application No. 161016512, Request for Waiver, CC Docket No. 02-6 (filed Jan. 25, 2018)

Santa Fe R-X Schools, MO, Application Nos. 161045151, 161044754, Request for Waiver, CC Docket No. 02-6 (filed Nov. 13, 2017)

Seattle School District 1, WA, Application No. 161053991, Request for Waiver, CC Docket No. 02-6 (filed Jan. 30, 2018)

*Late-Filed FCC Form 471 Applications*¹¹

Edgeley Public School District #3, ND, Application No. 171049943, Request for Waiver, CC Docket No. 02-6 (filed Dec. 14, 2017)

Niagara School District, WI, Application No. 171050116, Request for Waiver, CC Docket No. 02-6 (filed Jan. 4, 2018)

Reach Charter School, CO, Application No. 171049997, Request for Waiver, CC Docket No. 02-6 (filed Dec. 13, 2017)

*Unjustified Service Implementation Delay*¹²

Integration Technologies Corporation (Saint John's School), PR, Application No. 1049707, Request for Review, CC Docket No. 02-6 (filed Mar. 2, 2017)¹³

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8870, 8966, para. 240 (2014) (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances); 47 CFR § 54.514.

¹¹ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9261-62, para. 13 (2010) (denying requests for waiver of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waiver of our rules).

¹² See, e.g., *Request for Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 13652, 13653, para. 3 (WCB 2014) (denying late-filed extensions of the deadline for service implementation when applicants failed to demonstrate they were unable to complete implementation on time for reasons beyond the service providers' control and failed to make significant efforts to secure the necessary extensions in a timely manner).

¹³ We acknowledge that Saint John's School successfully amended its contract end date by filing an FCC Form 500 with USAC. However, USAC denied the service implementation deadline extension request because the FCC Form
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Middletown School District, NY, Application No. 161056140, Request for Waiver, CC Docket No. 02-6 (filed Jan. 18, 2018)

*Untimely-Filed Appeals or Waivers*¹⁴

Brevard County School District, FL, Application No. 161005862, Request for Waiver, CC Docket No. 02-6 (filed Jan. 10, 2018)

Preston High School, NY, Application No. 161031472, Request for Waiver, CC Docket No. 02-6 (filed Nov. 29, 2016)

Contribution Methodology
WC Docket No. 06-122

Denied

*Late 499-Q Filing Fee Waiver Request*¹⁵

Executive Systems, Inc., Request for Waiver of Late Fees, WC Docket No. 06-122 (filed Feb. 1, 2018)

For additional information concerning this Public Notice, please contact Kate Dumouchel in the Telecommunications Access Policy Division, Wireline Competition Bureau, at kate.dumouchel@fcc.gov or (202) 418-1839.

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500 was filed after the deadline to implement services. *See* Letter from Schools and Libraries Division, Universal Service Administrative Company to Martha Ariza, Saint John's School, dated March 20, 2017 (Administrator's Decision on Implementation Extension Request).

¹⁴ *See, e.g., Requests for Review of Decisions of the Universal Service Administrator by Agra Public Schools I-134 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684 (WCB 2010); *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Bound Brook School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 5823 (WCB 2014) (denying appeals on the grounds that the petitioners failed to 1) submit their appeals either to the Commission or to USAC within 60 days or 2) failed to submit their waiver requests to the Commission within 60 days as required by the Commission's rules, and did not show special circumstances necessary for the Commission to waive the deadline).

¹⁵ *See, e.g., Universal Service Contribution Methodology; Requests for Waiver of Decisions of the Universal Service Administrator by ComScape Telecommunications of Raleigh-Durham, Inc. and Millennium Telecom, LLC*, WC Docket No. 06-122, Order, 25 FCC Rcd 7399 (WCB 2010); *Universal Service Contribution Methodology; Requests for Review of Decisions of the Universal Service Administrator by Achilles Networks, Inc., et al.*, WC Docket No. 06-122, Order, 25 FCC Rcd 4646, 4648-49, paras. 5, 8 (WCB 2010) (both denying requests for waivers of FCC Form 499 deadlines and/or reversal of associated late fees); *see also Universal Service Contribution Methodology; Request for Waiver by Experior Networks, Request for Review by Coaxial Cable Television Corporation of Decision of Universal Service Administrator*, WC Docket No. 06-122, Order, 30 FCC Rcd 4711 (WCB 2015) (granting permission to refile FCC Forms 499-A, but denying waiver of late fees).